

CALIFORNIA COASTAL COMMISSION

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Wed-24

October 12, 2005

TO: Coastal Commissioners and Interested Public

FROM: Peter M. Douglas, Executive Director
Sarah Christie, Legislative Coordinator

SUBJECT: LEGISLATIVE REPORT FOR OCTOBER 2005

CONTENTS: This report provides summaries and status of bills that affect the Coastal Commission and California's Coastal Program as well as bills that staff has identified as coastal related legislation.

Note: Information contained in this report is accurate as of 10/07/05. Changes in the status of some bills may have occurred between the date this report was prepared and the presentation date. Current status of any bill may be checked by visiting the California Senate Homepage at www.sen.ca.gov. This report can also be accessed through the Commission's World Wide Web Homepage at www.coastal.ca.gov

Legislative Calendar

*Some deadlines may be waived by a majority vote of the Rules Committee

May 20	Last day for policy committees to meet prior to June 6
May 27	Last day for fiscal committees to hear and report first house bills to the floor
June 3	Last day for Senate, Assembly to pass first house bills
June 15	Budget bill must be passed by midnight
July 8	Last day for policy committees to meet and report second house bills
July 15	Summer recess begins on adjournment
Aug. 15	Legislature reconvenes
Aug. 26	Last day for fiscal committees to meet and report second house bills
Aug. 29	Floor session only. No committees may meet through September 9
Sept. 9	Last day to pass any non-urgency bill. Interim recess begins upon adjournment
Oct. 9	Last day for the Governor to sign or veto bills passed by the Legislature

Please contact Sarah Christie, Legislative Coordinator, at (916) 445-6067 with any questions on the material contained in this report.

PRIORITY LEGISLATION

AJR 8 (Canciamilla)

This resolution would urge the Congress of the United States to ratify a treaty on the reduction of sulfur levels in marine fuels, and urge the US Environmental Protection Agency to create the North American Sulfur Emission Control Area.

Introduced	02/15/05
Last Amended	06/27/05
Status	Chaptered by Secretary of State. Resolutions Chapter 93, Statutes of 2005.

AJR 14 (Yee)

This resolution would encourage members of Congress to support a continuation of the moratorium on new oil and gas leases off the coast of California through 2006 and beyond, and states the Legislature's opposition to the current omnibus energy bill based of the provisions that weaken California's authority over offshore activities, and eliminate the state's role in LNG siting decisions.

Introduced	03/29/05
Last Amended	06/20/05
Status	Chaptered by Secretary of State. Resolutions Chapter 94, Statutes of 2005.

AB 328 (DeVore) Crystal Cove State Park: El Morro Mobilehome Village

This bill would block funding to the Department of Parks and Recreation that has been allocated for the removal of structures and El Morro Mobile Home Park at Crystal Cove State Park, thereby preventing the transition of that facility from private use to a public campground and accompanying habitat restoration

Introduced	02/18/05
Last Amended	04/07/05
Status	Assembly Water, Parks and Wildlife Committee, bill pulled at author's request.

Commission Position **Oppose**

AB 329 (DeVore) Crystal Cove State Park: El Morro Mobilehome Village

This bill would allow the tenants at El Morro Mobile Home Park in Orange County to extend their leases with the Department of Parks and Recreation for an additional 40 years, in return for a 50% increase in lease fees, thereby preventing the transition of that facility from private use to a public campground and accompanying habitat restoration.

Introduced	02/18/05
Last Amended	04/13/05
Status	Assembly Water, Parks and Wildlife Committee, bill pulled at author's request.

Commission Position **Oppose**

AB 359 (Gordon) Parks and recreation: dog beach

This bill would authorize the California Coastal Commission, Department of Parks and Recreation, the County of Los Angeles and the City of Los Angeles to enter into a Memorandum of Understanding to conduct a pilot project to establish an off-leash dog park at Dockweiler State Beach for a period of one year. The parties to the MOU would be required to submit a report to the Legislature within 6 months of the conclusion of the pilot project. The bill would require that all costs associated with the development of the private program must be paid for with private funds.

Introduced	02/11/05
Last Amended	06/08/05
Status	Failed passage, Senate Natural Resources Committee. Reconsideration granted.

AB 771 (Saldana) Coastal resources, California Coastal Commission

This bill would amend Sections 30324 and add Section 30324.5 of the Public Resources Code, pertaining to ex-parte communications. The bill would require commissioners to report all ex-parte communications that take place 4 or more days before a commission meeting to submit an electronic disclosure form within 3 days of the communication. Ex-parte communications taking place 3 or fewer days before a commission meeting must be submitted within 3 days of the conclusion of the meeting. The bill requires the commission to develop an electronic ex-parte disclosure form, guidelines for commissioners regarding how to fully and completely disclose the content of ex-parte communications, post all ex-parte communications on the agency's website, and post all staff reports on the website.

Introduced	02/18/05
Last Amended	07/14/05
Status	Enrolled

AB 1165 (Bogh) Energy Resources: environmental documents

This bill would require that any agency with a regulatory program certified pursuant to CEQA, that must make a decision on an energy facility or site, to use the proposed decision of the California Energy Commission, or a committee of the California Energy Commission, that describes the projects analyzes the environmental impacts, and discusses alternatives, prepared by the State Energy Resources Conservation and Development Commissions, in the same manner as it would use an EIR or negative declaration prepared by a lead agency.

Introduced	02/18/05
Last Amended	08/31/05
Status	Senate Rules Committee

AB 1168 (Saldana) Drinking water standards, boron contamination

This bill would require the Office of Environmental Health Hazard Assessment, when reviewing an application for a ground water or ocean water desalination facility, to identify potential contaminants and sources of contamination and ensure the safety and effectiveness of the treatment process.

Introduced	02/22/05
Last Amended	08/15/05
Status	Enrolled

AB 1524 (Laird) Coastal resources: property dedications

This bill would require the State Coastal Conservancy to accept any Offer to Dedicate a conservation or open space easement within 90 days of its expiration date, if no other accepting entity can be found. This bill would also exempt the SCC acceptance process from General Services review.

Introduced	02/22/05
Last Amended	03/31/05
Status	Enrolled

AB 1557 (Karnette) California Coastal Commission

This bill would require the Coastal Commission to notify the Resources Agency within 10 days of receiving evidence of recordation of any Offer to Dedicate real property for public access to or along the coast.

Introduced	02/22/05
Status	Assembly Natural Resources Committee, hearing postponed by committee.

AB 1576 (Nunez) Electrical corporations: rates: repowering projects

This bill would require that the costs of a contract entered into pursuant to a procurement plan by an electrical corporation for the output of a replacement or repowering project that meets specified criteria be recoverable in rates from all customers who benefit. This raises concerns about the unintended consequences of creating a new incentive for coastal power plants that may otherwise discontinue operations to extend the life of their facilities that continue to rely on once-through cooling.

Introduced	02/15/05
Last Amended	06/27/05
Status	Chaptered by Secretary of State. Chapter 374, Statutes of 2005

Commission Position Oppose

AB 1612 (Pavley)

This bill would impose a new tax on every package of cigarettes sold in California for the purpose of funding grants to public agencies and non-profits to conduct education and outreach efforts to educate the public about the impacts of cigarette butts on the environment.

Introduced	02/15/05
Last Amended	04/20/05
Status	Assembly Appropriations Suspense File

Commission Position Support

SCR 40 (Lowenthal) Liquefied Natural Gas facilities

This measure would memorialize the President and Congress to take necessary action to preserve state and local authority over the siting of liquefied natural gas facilities.

Introduced	04/07/05
Last Amended	05/19/05
Status	Chaptered by Secretary of State. Resolutions Chapter 76, Statutes of 2005.

SB 153 (Chesbro) California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2006

This bill would authorize \$3,595,000,000 in General Obligation bonds for the purpose of financing the acquisition, development and preservation of parks, coastal, recreational, cultural and agricultural lands, and other clean air and water projects as specified.

Introduced	02/15/05
Last Amended	09/02/05
Status	Assembly Appropriations Committee.

SB 241 (Margett) Coastal resources, development standards

This bill would make a technical, non-substantive change to Section 30250 of the Coastal Act.

Introduced	02/15/05
Status	Failed to meet Legislative deadlines.

SB 306 (Campbell) Property transactions: Sunset Ridge Park

This bill would permit the director of the Department of Parks and Recreation to lease the property known as Sunset Ridge Park to the City of Newport Beach, without monetary remuneration, for a period not to exceed 25 years. The purpose of this bill is to allow the City to fund and construct needed improvements, such as trails, benches, passive recreation areas and habitat restoration. This bill would also require the City to comply with applicable storm water waste discharge requirements issued by the Santa Ana Water Quality Control Board or the State Water Resources Control Board.

Introduced	02/16/05
Last Amended	04/27/05
Status	Assembly Appropriations Committee, Suspense File.

SB 426 (Simitian) Renewable energy

This bill would require the California Energy Commission to conduct a statewide needs assessment that analyzes the state's projected need for natural gas, including Liquefied Natural Gas, as part of a public process. This bill would also require the Energy Commission, in consultation with the Coastal Commission and other state agencies, to conduct a comparative analysis of the currently proposed sites to assess their relative merits as they relate to public health, environmental constraints and other impacts. Recent amendments clarify that the Federal Energy Bill of 2005 does not abrogate the State's property rights with respect to LNG facilities, and sets specific findings that must be made in furtherance of the Federal Deepwater Port Act of 1974 that would apply to the Governor's decision to disapprove a license to construct an LNG application.

Introduced	02/17/05
Last Amended	08/31/05
Status	Senate Unfinished Business
Commission Position	Support

SB 427 (Hollingsworth) CEQA: exemption: Caltrans

This bill would exempt the California Department of Transportation from the California Environmental Quality Act for the construction of any overpass, underpass or off ramp that is built on an existing Caltrans right-of-way.

Introduced	02/17/05
Last Amended	04/25/05
Status	Senate Environmental Quality Committee. Hearing cancelled at request of author.

SB 575 (Torlakson) Housing development projects

This bill would revise the conditions under which a local agency may approve, deny, or approve with conditions, a housing project for very low, low, or moderate income households, including farm worker housing. Under existing law, a local agency may deny a housing project, as defined, if its housing element is in substantial compliance with state law, and is meeting its share of regional housing needs. This bill would delete that provision. Existing law specifies that noting in the relevant sections of the statute exempts local governments from complying with the Coastal Act.

Introduced	02/18/05
Last Amended	08/18/05
Status	Enrolled

SB 606 (Kehoe) Lifeguards

This bill authorize the State Personnel Board to exempt lifeguards from basic training requirements established by the Commission on Peace Officers Standards and Training.

Introduced	02/15/05
Last amended	04/06/05
Status	Senate Appropriations Committee, Suspense File.

SB 658 (Kuehl) State Coastal Conservancy: local grants

This bill would establish the Coastal Environment Motor Vehicle Mitigation Program, which would authorize the State Coastal Conservancy (SCC) to request that the Department of Motor Vehicles collect up to \$6 per vehicle registration fee for vehicles registered in participating jurisdictions. The bill would authorize the SCC to disburse grants to participating jurisdictions for projects that mitigate, reduce, remediate or prevent environmental impacts from motor vehicles and their associated infrastructure. *Recent amendments require the SCC to consult with participating counties on proposed projects.*

Introduced	02/22/05
Last Amended	09/02/05
Status	Enrolled

SB 695 (Kehoe) Conservation easement registry

This bill would require the Secretary for Resources to create a central, public registry of conservation easements, updated biannually and available to the public, for the purpose of monitoring conservation easements.

Introduced	02/23/05
Last Amended	06/16/05
Status	Enrolled

SB 742 (Chesbro) Tidelands: City of Eureka

This bill would eliminate the existing requirement for the City of Eureka to make annual payments to the State Controller from funds deposited into the Humboldt Bay Fund, for state tidelands and submerged lands held in trust by the city.

Introduced 02/15/05
Status Vetoed by Governor

SB 768 (Simitian) Marine finfish aquaculture

This bill would prohibit any person from engaging in finfish aquaculture without a permit from the Fish and Game Commission. It would also require that a final programmatic EIR prepared for a coastal marine finfish aquaculture project and approved by the Fish and Game Commission includes an analysis of specific impacts, and that it ensures that marine finfish aquaculture is managed in a sustainable manner. The bill would set standards for finfish aquaculture leases. *This bill was amended as a vehicle for the Identity Information Protection Act of 2005.*

Introduced 02/22/05
Last Amended 09/02/05
Status Assembly Floor, Inactive file

SB 771 (Simitian) Ocean going ships

This bill would extend the ban on onboard incineration on cruise ships to all ocean-going vessels. This bill would also extend the regulations pertaining to discharges of sewage, sewage sludge, gray water, oily bilge water, hazardous wastes and other wastes from cruise ships to all ocean-going vessels in marine sanctuaries.

Introduced 02/22/05
Last Amended 08/25/05
Status Chaptered by Secretary of State. Chapter 588, Statutes of 2005

SB 857 (Kuehl)

This bill would require California Department of Transportation to submit an annual report to the Legislature detailing the extent and location of impediments to anadromous fish passage in culverts and other stream crossings within the jurisdiction of Caltrans. The bill would require all new project built by Caltrans to not create new barriers for fish passage.

Introduced 02/15/05
Last Amended 05/10/05
Status Chaptered by Secretary of State. Chapter 589, Statutes of 2005

SB 929 (Kehoe) California Coastal Act: administrative actions

This bill would require any lobbyist doing business with the Commission to register as a lobbyist with the Secretary of State, and disclose all payments and all expenditures, in accordance with the Political Reform Act of 1974.

Introduced 02/22/05
Last Amended 05/03/05
Status Failed passage, Senate Floor (26:13) Reconsideration granted.

SB 942 (Chesbro) Cigarettes: pollution: litter

This bill would enact the Cigarette Pollution and Litter Prevention Act of 2005, by requiring the manufacturers of cigarettes to pay a specified fee to the Board of Equalization for every package of cigarettes sold in the state. The fees would be deposited into a special fund in the state Treasury, and appropriated to the Department of Conservation and the Department of Health Services for grants to offset the costs to local and state agencies for programs that reduce and/or prevent cigarette-related litter.

Introduced 02/22/05
Last Amended 05/03/05
Status Senate Appropriations Committee, Suspense File
Commission Position Support

SB 956 (Simitian) Coast and Ocean Stewardship Act

This bill would authorize the Board of Equalization to collect a \$1 per night surcharge on all overnight stays in coastal and Bay Area counties, for the purpose of funding implementation of the Coastal Act, McAteer-Petris Act, Marine Life Management Act and Marine Life Protection Act.

Introduced 02/22/05
Last Amended 04/25/05
Status Senate Natural Resources Committee, held in committee.
Commission Position Support

SB 960 (Simitian) Tidelands: exchange: City of Santa Cruz

This bill would make it easier for certain private parties to file “quiet title” actions on disputed tidelands and submerged lands within the City of Santa Cruz.

Introduced 02/22/05
Last Amended 04/21/05
Status Senate Appropriations Committee.

SB 1003 (Escutia)

This bill would designate the California Energy Commission as the only state agency with permitting authority over Liquefied Natural Gas (LNG) terminals in California. This bill is double-joined with SB 426 (Simitian). Amendments of 7/13 removed the Commission’s previous position of Oppose.

Introduced 02/15/05
Last Amended 07/13/05
Status Assembly Appropriations Committee.
Commission Position Neutral